

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 17-10107-RWZ

UNITED STATES OF AMERICA

v.

ADARBAAD F. KARANI

ORDER

March 8, 2019

ZOBEL, S. D.J.

On September 17, 2018, defendant was convicted on two counts of making a false statement during the purchase of a firearm in violation of 18 U.S.C. § 922(a)(6) and one count of making a false statement in a record in violation of 18 U.S.C. § 924(a)(1)(A). On December 27, 2018, this court sentenced defendant to a term of imprisonment of three months, to be followed by one year of supervised release. Thereafter, defendant filed a notice of appeal. Before the court is defendant's motion for bail pending appeal.

Under 18 U.S.C. § 3143(b)(1), a person who has been found guilty of an offense and sentenced to a term of imprisonment must be detained, regardless of the pendency of an appeal, unless the court finds (1) "by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the

community if released,” and (2) “that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in ... reversal [or] an order for a new trial ....” Because the government concedes that the defendant does not pose a flight or safety risk, the key issue is whether defendant meets the second requirement regarding success on appeal.

Defendant argues that this court “erroneously instructed the jury” that ATF Form 4473’s reference to “gift” only included a gift of a firearm and did not include a gift of a “police discount.”<sup>1</sup> Defendant also argues that this court erred when it did not allow admission at trial of a 2016 revised version of ATF Form 4473, which was not in existence at the time of the charged conduct.

Because defendant has failed to show that either argument presents a substantial question of law which, if “determined favorably to defendant on appeal ... is likely to result in reversal or an order for a new trial of all counts on which imprisonment has been imposed,” defendant’s motion (Docket # 125) is DENIED. United States v. Bayko, 774 F.2d 516, 522 (1st Cir. 1985). Defendant shall report on April 1, 2019, to the institution designated by the Bureau of Prisons.

\_\_\_\_\_  
March 8, 2019

Date

\_\_\_\_\_  
/s/Rya W. Zobel

Rya W. Zobel  
Senior United States District Judge

---

<sup>1</sup> ATF Form 4473 is the form defendant completed to purchase the two firearms at issue in this case. Each of the four counts with which defendant was charged alleged that he falsely represented on ATF Form 4473 that he was the “actual transferee/buyer” of the firearm.